

## **MINUTES OF THE CITY COUNCIL**

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, NOVEMBER 20, 2007**

The Council of the City of San José convened in regular session at 9:30 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:31 a.m. to a Closed Session in Room W133, (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9 subsection (a) with respect to existing litigation to consider the case of: (1) Bojcic v. City of San José, et al.; (2) In Re Sandoval; (3) Montes, et al. v. City of San José, et al; (4) Preservation Action Council of San José v. City, et al. (B) to confer with Legal Counsel pursuant to: Government Code Section 54956.9 with respect to initiation of litigation, subsection (c) in one (1) matter. (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors; (2) Association of Maintenance Supervisory Personnel.

By unanimous consent, Council recessed from the Closed Session at 11:02 a.m. and reconvened at 1:31 p.m. in the Council Chambers.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - None.

## **INVOCATION**

The San José Youth Symphony presented the Invocation. (District 10)

## **PLEDGE OF ALLEGIANCE**

Mayor Reed led the Pledge of Allegiance.

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## ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Campos and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Items 2.3, 3.1, 3.2 and 3.3 deferred to December 4, 2007 and Item 3.6 deferred to December 11, 2007. (11-0.)

## CLOSED SESSION REPORT

City Attorney Doyle disclosed the following Closed Session actions of November 20, 2007:

A. Authority to Pursue Appellate Review in a Litigation Case:

Case Name: Preservation Action Council of San José v. City of San José, et al.

Adverse Party or parties: Preservation Action Council of San José

Substance of Litigation: Lawsuit filed under California Environmental Quality Act, challenging City's approval of development of property containing IBM Advanced Research Building 25 located on the former IBM Cottle Road campus

Council Vote: Ayes: Campos, Chirco, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle; Reed.

Noes: None.

Disqualified: None.

Absent: Chu, Williams. (Excused)

B. Pending Litigation – Settlement Authorized – October 30, 2007 Closed Session:

Case Name: Callaway v. Moreno, et al.

Substance of Litigation: Approval of settlement of lawsuit. The Council approved payment in the sum of \$98,600 to Plaintiff Jennifer Callaway and payment of Ms. Callaway's portion of the mediator's fees in exchange for a release of all known and unknown claims, including dismissal of her lawsuit. The Council approved payment in the sum of \$7,500 for Defendant David Moreno's attorneys' fees and payment of Mr. Moreno's portion of the mediator's fees in exchange for all known and unknown claims, including dismissal of his lawsuit. Mr. Moreno also agreed to resign his employment with the City effective October 31, 2007.

## **CLOSED SESSION REPORT (Cont'd.)**

Council Vote: Ayes: Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Noes: None.

Disqualified: None.

Absent: None.

## **CEREMONIAL ITEMS**

- 1.3 Presentation of a commendation to Vicki Poulos, Bob Poulos and Sandra Yeaton for their work in providing funds and labor on beautification to the entrance of and work with anti-graffiti clean-up in Saratoga Creek Park through the Adopt-A-Park program. (Constant)**

Action: Mayor Reed and Council Member Constant recognized and commended Vicki Poulos, Bob Poulos and Sandra Yeaton for their work in providing funds and labor on beautification to the entrance of and work with anti-graffiti clean-up in Saratoga Creek Park through the Adopt-A-Park program.

- 1.5 Presentation of a commendation recognizing the great work of Project Homeless Connect agencies' staff and volunteers in putting together an innovative effort to tackle the need in the County of Santa Clara. (Liccardo/Housing)**

Action: Mayor Reed, Council Member Liccardo and Director of Housing Leslye Krutko recognized the work of Project Homeless Connect Agencies' staff and volunteers in putting together an innovative effort to tackle the need in the County of Santa Clara.

- 1.4 Presentation of a proclamation declaring the week of November 11 - 17 as National Hunger and Homelessness Awareness Week in the City of San José. (Liccardo/Housing)**

Action: Mayor Reed, Council Member Liccardo and Director of Housing Leslye Krutko recognized the week of November 11 through November 17, 2007 as "National Hunger and Homelessness Awareness Week" in the City of San José.

- 1.6 Presentation of a proclamation declaring November 18-24, 2007 as "Family Week" in the City of San José. (Williams/Oliverio/Liccardo)**

Action: Mayor Reed and Council Members Williams, Oliverio and Liccardo recognized the week of November 18 through November 24, 2007 as "Family Week" in the City of San José.

**1.1 Presentation of a commendation to Calvary Catholic Cemetery for 125 years of service to the City of San José. (Cortese/Campos)**

Action: Mayor Reed, Vice Mayor Cortese and Council Member Campos recognized the Calvary Catholic Cemetery for 125 years of service to the citizens of San José.

**CONSENT CALENDAR**

Upon motion by Council Member Pyle, seconded by Vice Mayor Cortese, and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

**2.1 Approval of Minutes.**

- (a) Regular Minutes of September 11, 2007**
- (b) Regular Minutes of September 18, 2007**

Documents Filed: The Regular Minutes dated September 11, 2007 and September 18, 2007.

Action: The Minutes were approved. (11-0.)

- (c) Regular minutes of September 25, 2007**

Action: Deferred to December 4, 2007 per City Clerk.

**2.2 Final adoption of ordinances:**

- (a) ORD. NO. 28164 – Amending Section 3.36.020.3 of Chapter 3.36 of Title 3 of the San José Municipal Code to include incentive pay for fire anti-terrorist training in compensation for purposes of calculation of benefits in the Police and Fire Department Retirement Plan.**

Documents Filed: Proof of Publication of the title of Ordinance No. 28164 executed on November 13, 2007, submitted by the City Clerk.

Action: [Ordinance No. 28164](#) was adopted. (11-0.)

- (b) ORD. NO. 28166 – Amending Title 24 of the San José Municipal Code to adopt the 2007 California Building, Plumbing, Mechanical, Electrical Codes, California Existing Building Code, California Historical Building Code, and 2006 International Existing Building Code with certain exceptions, modifications and additions.**

Documents Filed: Proof of Publication of the title of Ordinance No. 28164 executed on November 13, 2007, submitted by the City Clerk.

Action: [Ordinance No. 28166](#) was adopted. (11-0.)

- 2.2 (c) **ORD. NO. 28167** – Amending Chapter 17.12 of the San José Municipal Code to adopt the 2007 California Fire Code with local amendments relating to fire flow, sprinkler and fire alarm systems and standards, access control devices, breathing air replenishment and public radio coverage, large battery charging systems and continuous gas detection systems and to maintain existing of fire protection and regulatory authority.

Documents Filed: Proof of Publication of the title of Ordinance No. 28164 executed on November 13, 2007, submitted by the City Clerk.

Action: [Ordinance No. 28167](#) was adopted. (11-0.)

- (d) **ORD. NO. 28170** – Rezoning certain real property situated on the southeast corner of Lincoln Avenue and Nevada Place (1556 Lincoln Avenue) from the R-2 Two Family Residence Zoning District to the A(PD) Planned Development Zoning District. PDC06-101

Documents Filed: Proof of Publication of the title of Ordinance No. 28164 executed on November 13, 2007, submitted by the City Clerk.

Action: [Ordinance No. 28170](#) was adopted. (11-0.)

- (e) **ORD. NO. 28171** – Prezoning certain real property situated at the south side of Sierra Road, 200 feet east of Varner Court, to R-1-2 Single Family Residence Zoning District. C06-105

Documents Filed: Proof of Publication of the title of Ordinance No. 28164 executed on November 13, 2007, submitted by the City Clerk.

Action: [Ordinance No. 28171](#) was adopted. (11-0.)

- (f) **ORD. NO. 28172** – Prezoning certain real property situated on both sides of Woodard Road between Nova Scotia Avenue and Twilight Drive to R-1-8 Single Family Residence Zoning District. C06-111

Documents Filed: Proof of Publication of the title of Ordinance No. 28164 executed on November 13, 2007, submitted by the City Clerk.

Action: [Ordinance No. 28172](#) was adopted. (11-0.)

- (g) **ORD. NO. 28173** – Prezoning certain real property situated at the south side of Woodard Road, 300 feet west of Twilight Drive to R-1-8 Single Family Residence Zoning District. C06-113

Documents Filed: Proof of Publication of the title of Ordinance No. 28164 executed on November 13, 2007, submitted by the City Clerk.

Action: [Ordinance No. 28173](#) was adopted. (11-0.)

- 2.3 (a) **Approval of the Lower Silver Creek Trail Master Plan.**  
(b) **Adoption of a resolution incorporating the environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project.**

**CEQA: Mitigated Negative Declaration, File No. PP07-106. Council Districts 3, 5 and 8. SNI: Five Wounds/Brookwood Terrace, Mayfair, East Valley/680 Communities. (Parks, Recreation and Neighborhood Services)  
(Deferred from 10/23/07 – Item 2.12 and 10/30/07 – Item 2.3)**

Action: Deferred to December 4, 2007 per Orders of the Day.

- 2.4 (a) **Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the County of Santa Clara to provide the County with acoustical design services, construction administration and acoustical treatment construction of eligible properties located within the Noise Impact Area at Reid Hillview Airport, in an amount payable to the City not to exceed \$500,000, for the period November 20, 2007 to December 31, 2009.**  
(b) **Adoption of the following 2007-08 Appropriation Ordinance and Funding Sources resolution amendments in the Airport Renewal and Replacement Fund (527):**  
(1) **Increase the estimate for Earned Revenue in the amount of \$500,000; and**  
(2) **Establish an appropriation to the Airport Department for the Reid Hillview Noise Treatment Program in the amount of \$500,000.**

**CEQA: Exempt, File No. E-14391. (Airport/City Manager's Office)**

Documents Filed: Memorandum from Director of Aviation William Sherry and Budget Director Larry Lisenbee, dated October 29, 2007, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Action: [Resolution No. 74102](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with the County of Santa Clara to Provide the County with Acoustical Design Services, Construction Administration and Acoustical Treatment Construction of Eligible Properties Located Within the Noise Impact Area at Reid Hillview Airport, in an Amount Payable to the City of San José Not To Exceed \$500,000 for the Period November 20, 2007 to December 31, 2009"; [Ordinance No. 28174](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 28071 to Appropriate Monies in the Airport Renewal and Replacement Fund for the Reid Hillview Noise Treatment Program; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption" and [Resolution No. 74103](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 73862 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2007-2008 to Adjust Revenues in the Airport Renewal and Replacement Fund" were adopted. (11-0.)

- 2.5 Adoption of a resolution authorizing the City Manager to negotiate and execute new lease agreements with American Airlines, United Airlines, Southwest Airlines and Delta Air Lines, the airlines currently operating at Mineta San José International Airport in the air freight building, located at 1521 Airport Blvd., with month-to-month terms effective December 1, 2007 through June 30, 2012 and annual income to the City of approximately \$320,000. CEQA: Resolution Nos. 67380 and 71451, File Nos. PP07-132 through 07-135. (Airport)**

Documents Filed: Memorandum from Director of Aviation William Sherry, dated October 29, 2007, recommending adoption of a resolution.

Action: [Resolution No. 74104](#), entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute New Lease Agreements in the Air Freight Building with American Airlines, United Airlines, Southwest Airlines and Delta Airlines with Month to Month Terms Effective December 1, 2007 through June 30, 2012 and Annual Income to the City of Approximately \$320,000”, was adopted. (11-0.)

- 2.6 Request for excused absences for Council Member Campos.**
- (a) Request for an excused absence from the Convention Center Expansion Study Session on Tuesday, November 13, 2007 due to a prior long standing commitment.**
  - (b) Request for an excused absence from the Special City Council Meeting on Tuesday, November 13, 2007 due to a prior long standing commitment.**
- (Campos)**  
**(Rules Committee referral 11/7/07)**

Documents Filed: Memoranda from Council Member Campos, both dated November 5, 2007, requesting absences due to a prior long standing commitment.

Action: The absences were excused. (11-0.)

- 2.7 Request for an excused absence for Vice Mayor Cortese from the Regular Evening Council Meeting on November 6, 2007 due to Authorized City Business: Public Safety/Crime Prevention Meeting in Council District 8. (Cortese)**  
**(Rules Committee referral 11/7/07)**

Documents Filed: Memorandum from Vice Mayor Cortese, dated November 6, 2007, requesting an absence due to authorized City business.

Action: The absence was excused. (11-0.)

- 2.8 (a) **Approval of an ordinance repealing Ordinance No. 27751 to terminate the Commercial Solid Waste and Recyclables Collection Franchise Agreement with Waste Management of California, Inc. dba Waste Management of Santa Clara County; and,**
- (b) **Adoption of a resolution authorizing the Director of the Environmental Services Department to send a notice to Waste Management of California, Inc. terminating the Commercial Solid Waste and Recyclables Collection Franchise Agreement effective July 1, 2007.**

**CEQA: Negative Declaration, File No. PP92-11-308. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean, dated October 29, 2007, recommending approval of an ordinance and adoption of a resolution.

Action: [Ordinance No. 28175](#), entitled: “An Ordinance of the City of San José Repealing Ordinance No. 27751 to Terminate the Commercial Solid Waste and Recyclables Collection Franchise Previously Granted to Waste Management of California, Inc. DBA Waste Management of Santa Clara County”, was passed for publication and [Resolution No. 74105](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Environmental Services to Send a Notice to Waste Management of California, Inc. DBA Waste Management of Santa Clara County Terminating the Commercial Solid Waste and Recyclables Collection Franchise”, was adopted. (11-0.)

- 2.9 (a) **Approval of an ordinance repealing Ordinance No. 27749 to terminate the Commercial Solid Waste and Recyclables Collection Franchise Agreement with USA Waste of California, Inc. dba Green Valley Disposal Company, Inc.; and,**
- (b) **Adoption of a resolution authorizing the Director of the Environmental Services Department to send a notice to USA Waste of California, Inc. terminating the Commercial Solid Waste and Recyclables Collection Franchise Agreement effective July 1, 2007.**

**CEQA: Negative Declaration, File No. PP92-11-308. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean, dated October 29, 2007, recommending approval of an ordinance and adoption of a resolution.

Action: [Ordinance No. 28175](#), entitled: “An Ordinance of the City of San José Repealing Ordinance No. 27749 to Terminate the Commercial Solid Waste and Recyclables Collection Franchise Previously granted to USA Waste of California, Inc. DBA Green Valley Disposal Company, Inc.”, was passed for publication and [Resolution No. 74106](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Environmental Services to Send a Notice to USA Waste of California, Inc. DBA Green Valley Disposal Company Terminating the Commercial Solid Waste and Recyclables Collection Franchise”, was adopted. (11-0.)



**2.10 Approval of a second amendment to the agreement with Metcalf & Eddy, Inc. for consultant services for hydraulic models for the San José Municipal Water System, to extend the term of the agreement by six months to May 31, 2008, at no additional cost to the City. CEQA: Not a Project. (Environmental Services)**

Documents Filed: (1) Memorandum from Director of Environmental Services John Stufflebean, dated October 29, 2007, recommending approval of a second amendment to the agreement. (2) Letter from the Treatment Plant Advisory Committee, dated November 8, 2007, stating concurrence with the Staff recommendation.

Action: The second amendment to the agreement with Metcalf & Eddy, Inc. for consultant services for hydraulic models for the San José Municipal Water System, to extend the term of the agreement by six months to May 31, 2008, at no additional cost to the City was approved. (11-0.)

**2.11 Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2007-2008 #4 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated October 29, 2007, recommending approval of open purchase orders.

Action: The open purchase orders for supplies, materials, equipment and services for FY 2007-2008 #4 and authorization for the Director of Finance to execute the purchase orders was approved. (11-0.)

**2.12 Adoption of a resolution authorizing the Director of Finance to execute an agreement with Medtronic Incorporated for the maintenance and support of existing Lifepak 12 and Lifepak 500 Cardiac Monitors (defibrillators) for a five-year term, payable \$68,015.00 annually for the five-year duration of this agreement, for a total of \$340,075.00, subject to annual appropriations. CEQA: Not a Project. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated October 29, 2007, recommending adoption of a resolution.

Action: [Resolution No. 74107](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Finance to Execute an Agreement with Medtronic Incorporated for the Maintenance and Support of Existing Lifepak 12 and Lifepak 500 Cardiac Monitors", was adopted. (11-0.)

**2.13 Adoption of a resolution authorizing the Director of Finance to:**

- (a) Execute an amendment to the agreement with National Security Industries to extend the term of the agreement for security guard service for General Services and the Water Pollution Control Plant by four months from November 30, 2007 to March 31, 2008, with a total compensation not to exceed \$144,000 for the extension period.**
- (b) Execute an amendment to the agreement with Silicon Valley Security and Patrol, Inc. to extend the term of the agreement for security guard services for Parks & Recreation and Neighborhoods Services and the Department of Transportation by four months from November 30, 2007 through March 31, 2008 with a total compensation not to exceed \$131,000 for the extension period.**

**CEQA: Not a Project. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated October 29, 2007, recommending adoption of a resolution.

Action: [Resolution No. 74108](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Finance to Execute Amendments to Agreements with National Security Industries and Silicon Valley Security & Patrol, Inc. for Security Guard Services", was adopted. (11-0.)

**2.14 Request for an excused absence for Council Member Nguyen from the Special City Council Meeting on November 13, 2007 due to Authorized City Business: Speaking Engagement at UC Santa Cruz. (Nguyen)  
(Rules Committee referral 11/7/07)**

Documents Filed: Memorandum from Council Member Nguyen, dated November 6, 2007, requesting an absence due to authorized City business.

Action: The absence was excused. (11-0.)

**2.15 (a) Adoption of the following Appropriation Ordinance and Funding Sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2007-2008:**

- (1) Increase the estimate for Earned Revenue by \$829,500.**
- (2) Establish an appropriation to the Department of Transportation for the Agency Pole Painting project (PSM 501) in the amount of \$250,000.**
- (3) Increase the appropriation to the Department of Parks Recreation and Neighborhood Services for the Christmas in the Park project (PSM 506) in the amount of \$79,500.**
- (4) Establish an appropriation to the Department of Parks Recreation and Neighborhood Services for the Roosevelt Skate Park project (PSM 507) in the amount of \$500,000.**

- 2.15 (b) **Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the:**
- (1) **Agency Pole Painting project as more specifically described in the memorandum from the Redevelopment Agency, dated September 12, 2007.**
  - (2) **Roosevelt Skate Park project as more specifically described in the memorandum from the Redevelopment Agency, dated September 28, 2007.**

**CEQA: Mitigated Negative Declaration, File No. PP03-397 and Exempt, File Nos. PP07-242 and PP05-007. Council District 3. SNI: Five Wounds/Brookwood. (Parks, Recreation and Neighborhood Service/Transportation/City Manager's Office)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, Director of Transportation James Helmer and Acting Budget Director Jennifer Maguire, dated October 29, 2007, recommending adoption of appropriation ordinance and funding sources resolution amendments and resolutions.

Council Member Liccardo pulled Item 2.15 for clarification.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Nguyen and carried unanimously, [Ordinance No. 28177](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 28071 to Appropriate Monies in the Services for Redevelopment Capital Projects Fund for the Agency Pole Painting Project, for the Christmas in the Park Project, and for the Roosevelt Skate Park Project; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption"; [Resolution No. 74109](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 73862 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2007-2008 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund"; [Resolution No. 74110](#), entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in Redevelopment Project Areas" and [Resolution No. 74111](#), entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Five Wounds/Brookwood Neighborhood of the Strong Neighborhoods Initiative Redevelopment Project Area", were adopted. (11-0.)

- 2.16 **Adoption of a resolution authorizing the Director of Parks, Recreation & Neighborhood Services Department to apply to the United States Forest Service for a renewal of the City's special use permit for the operation of San José Family Camp in the Stanislaus National Forest and to return to the City Council for permit approval in December 2007. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)**

**2.16 (Cont'd.)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated October 29, 2007, recommending adoption of a resolution.

Action: [Resolution No. 74112](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Parks, Recreation and Neighborhood Services to Apply to the United States Forest Service for a Renewal of the City's Special Use Permit for the Operation of the San José Family Camp in the Stanislaus National Forest", was adopted. (11-0.)

**2.17 Adoption of a resolution authorizing the Director of Public Works to execute all documents necessary to complete real estate transactions for the relocation of utility easements at Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-246. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated October 29, 2007, recommending adoption of a resolution

Action: [Resolution No. 74113](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Execute all Documents Necessary to Complete Real Estate Transactions for the Relocation of Utility Easements at Norman Y. Mineta San José International Airport", was adopted. (11-0.)

**2.18 Request for an excused absence for Council Member Pyle from the Regular Meeting of the Neighborhood Services & Education Committee on November 8, 2007 due to prior long standing commitment. (Pyle)  
(Rules Committee referral 11/7/07)**

Documents Filed: Memorandum from Council Member Pyle, dated November 8, 2007, requesting an absence due to a prior long standing commitment.

Action: The absence was excused. (11-0.)

**2.19 Repeal Resolution No. 73647 related to the establishment of speed limits in the City of San José, and adoption of a resolution to:**

**(a) Re-establish speed limits with changes to the following roadway within the City of San José:**

**(1) Story Road, between Senter Road and Bayshore Freeway, to include the segment between Via Ferrari Drive and Bayshore Freeway, 40 MPH.**

**(b) Establish speed limits on the following roadways within the City of San José:**

**(1) Hassler Parkway, between Silver Creek Valley Road and Dove Road, 35 MPH.**

**(2) Old Bayshore Highway, between Airport Parkway and North First Street, 40 MPH.**

**(3) Palisade Drive, between Hellyer Avenue and Coyote Road, 25 MPH.**

**CEQA: Exempt, File No. PP05-030. Council Districts 2, 3, 7 and 8. (Transportation)**

**2.19 (Cont'd.)**

Documents Filed: Memorandum from Director of Transportation James Helmer, dated October 29, 2007, recommending adoption of a resolution.

Action: [Resolution No. 74114](#), entitled: "A Resolution of the Council of the City of San José Reestablishing Speed Limits with Changes on a Section of Story Road; Establishing Speed Limits on Sections of Hassler parking, Old Bayshore Highway and Palisade Drive; Reestablishing, Without Change, Speed Limits on Other Streets Within the City of San José and Repealing Resolution No. 73647", was adopted. (11-0.)

**2.20 Approval of Council Member Campos' travel to San Diego, CA on January 4 – 6, 2008 to attend the League of CA Cities – Latino Caucus Board Meeting. Source of Funds: Mayor/Council Travel Fund. (Campos)  
(Rules Committee referral 11/14/07)**

Documents Filed: Memorandum from Council Member Campos, dated November 8, 2007, requesting approval of travel.

Action: The travel request for Council Member Campos was approved. (11-0.)

**2.21 Request for an excused absence for Council Member Campos from the Special Closed Session Meeting on November 13, 2007 due to Prior Longstanding Commitment. (Campos)  
(Rules Committee referral 11/14/07)**

Documents Filed: Memorandum from Council Member Campos, dated November 9, 2007, requesting an absence due to a prior longstanding commitment.

Action: The absence was excused. (11-0.)

- 2.22 (a) Adoption of a resolution authorizing the Director of Finance to negotiate and execute the Second Amended and Restated Letter of Credit and Reimbursement Agreement among the City of San José and JP Morgan Chase Bank National Association, Bank of America, N.A., and Dexia Credit Local (collectively, the "Banks") relating to the Norman Y. Mineta San José International Airport Subordinated Commercial Paper Program reflecting the termination of participation by Citibank, N.A. and a corresponding increase in participation by Dexia Credit Local; and modification of the Agreement to provide the City with increased capacity for the issuance of additional Airport revenue bonds.**
- (b) Adoption of a resolution amending Resolution No. 69200 to authorize the Director of Finance or the Director's designee to negotiate and execute future substitution and addition of banks under the Agreement; and authorizing the Director of Finance or the Director's designee to negotiate and execute future extensions of the Agreement with respect to the Commitment and Letter of Credit expiration dates and fees paid to the Banks.**

**CEQA: Resolution Nos. 67380 and 71451, File No. PP07-243. (Finance)  
(Rules Committee referral 11/14/07)**

## 2.22 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Finance Scott Johnson, dated November 14, 2007, recommending adoption of resolutions. (2) Supplemental memorandum from Director of Finance Scott Johnson, dated November 15, 2007, transmitting the second amendment and restated letter of credit and reimbursement agreement.

Action: [Resolution No. 74115](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Finance to Negotiate and Execute the Second Amended and Restated Letter of Credit and Reimbursement Agreement Among the City of San José, JP Morgan Chase Bank, National Association, Bank of America, N.A. and Dexia Credit Local, Relating to the Norman Y. Mineta San José International Airport Subordinated Commercial Paper Notes, Adjusting Certain Pricing Provisions and Certain Provisions Relating to the Issuance of Additional Airport Indebtedness and Delegating Authority to the Director of Finance in Relation Thereto” and [Resolution No. 74116](#), entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 69200, as Amended, to Authorize the Director of Finance or the Director’s Authorized Designee to Negotiate and Execute Substitutions and Additions of the Banks Under the Second Amended and Restated Letter of Credit and Reimbursement Agreement and to Negotiate and Execute Extensions of Such Agreement with Respect to the Commitment and Letter of Credit Expiration Dates and Fees Paid to the Banks”, were adopted. (11-0.)

## 2.23 **Approval of travel by Council Member Liccardo to Shanghai, China from December 1 – 9, 2007 to represent the City of San José on the Bay Area Economic Council’s delegation from the Bay Area to Shanghai, China for a weeklong series of meetings to establish specific collaborations in the areas of green technology, information technology, biotechnology, digital arts, urban development, and goods movement. Source of Funds: Asia Society of Northern California. (Liccardo) (Rules Committee referral 11/14/07)**

Documents Filed: (1) Memorandum from Council Member Liccardo, dated November 13, 2007, requesting approval of travel. (2) Memorandum from Council Member Liccardo, dated November 30, 2007, accepting a gift from the Asia Society of Northern California to host his trip, and pay for travel and lodging.

Council Member Liccardo pulled Item 2.23 to note the date of travel will be December 1 through December 9, 2007 and that he would prefer to take care of the travel costs from his own personal funds

Action: Upon motion by Council Member Liccardo, seconded by Vice Mayor Cortese and carried unanimously, the travel request was approved, with the clarification that the date of travel will be December 1 through December 9. . (Note: On November 30, 2007, as described above, the Council Member accepted a gift from the Asia Society of Northern California after receiving legal advice from the City Attorney). (11-0.)



- 2.24 Adoption of a resolution authorizing the City Manager to submit an application to the California Gang Reduction, Intervention and Prevention Grant in the amount of \$500,000 to support the efforts of the Mayor's Gang Prevention Task Force (MGPTF) and to execute a grant agreement accepting the grant and any collateral documents, and to execute amendments to the grant agreement to extend or modify the grant period or to accept additional grant funds under this grant as further described below. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)  
(Rules Committee referral 11/14/07)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated November 13, 2007, recommending adoption of a resolution.

Action: [Resolution No. 74117](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute and Submit an Application to the State of California Office of Emergency Services, for a California Gang Reduction, Intervention and Prevention Initiative to Support the Mayor's Gang Prevention Task Force in an Amount Not To Exceed \$500,000, To Execute a Grant Agreement Accepting the Grant and Any Collateral Documents and To Execute Amendments to the Grant Agreement to Extend or Modify the Grant Period or to Accept Additional Grant Funds", was adopted. (11-0.)

## **END OF CONSENT CALENDAR**

### **STRATEGIC SUPPORT SERVICES**

- 3.1 Report of the Rules and Open Government Committee – October 17, 2007  
Mayor Reed, Chair**

Action: Deferred to December 4, 2007 per Orders of the Day.

- 3.2 Report of the Rules and Open Government Committee – October 24, 2007  
Mayor Reed, Chair**

Action: Deferred to December 4, 2007 per Orders of the Day.

- 3.3 Report of the Rules and Open Government Committee – October 31, 2007  
Mayor Reed, Chair**

Action: Deferred to December 4, 2007 per Orders of the Day.

- 3.4 Report of the Rules and Open Government Committee – November 7, 2007  
Mayor Reed, Chair**

Action: Deferred to December 4, 2007 per Orders of the Day.

**3.6 Approval of an ordinance amending Title 12 of the San José Municipal Code by adding a new Chapter 12.20 to establish rules prohibiting nepotism for the Mayor, members of the City Council, and Council appointees. CEQA: Not a Project. (City Attorney's Office)**

Action: Deferred to December 11, 2007 per Orders of the Day and the City Attorney's Office.

**3.7 Direction to staff to continue the process of billing and collecting the City's Sanitary Sewer Service and Storm Sewer Service billings by placing these bills on the Santa Clara County Tax Roll annually. CEQA: Not a Project. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated October 29, 2007, recommending Staff to continue the process of billing as indicated above.

Action: Upon motion by Council Member Pyle, seconded by Vice Mayor Cortese and carried unanimously, Staff was directed to continue the process of billing and collecting the City's Sanitary Sewer Service and Storm Sewer Service billings by placing these bills on the Santa Clara County Tax Roll annually. (11-0.)

**3.8 Mayor's Biennial Ethics Review:**

- (a) Acknowledge the work and accomplishments made in the past two years to increase transparency and elevate ethical standards; and**
- (b) Approve various actions and referrals to staff for continuous improvements, as outlined in the Mayor's Memorandum.**

**[Rules Committee referral 11/14/07 – Item A(1)(a)]**

Documents Filed: (1) Memorandum from Mayor Reed, dated November 8, 2007, recommending as indicated above. (2) Supplemental memorandum from City Attorney Richard Doyle, dated November 16, 2007, providing information and requesting direction regarding the disposition of the Officeholder Account.

Mayor Reed outlined his memorandum dated November 8, 2007. City Attorney Richard Doyle responded to Council questions. Discussion followed.

Motion: Council Member Liccardo moved approval of the memorandum from Mayor Reed dated November 8, 2007, including the 2007 Mayor's Biennial Ethics Review, which acknowledged the work and accomplishments made in the past two years to increase transparency and elevate ethical standards; and various actions and referrals to staff for continuous improvements, as outlined in the Mayor's memorandum. Council Member Oliverio seconded the motion.

Council Member Nguyen requested to amend the motion to allow for Holiday-related advertisements in local news publications. The amendment was accepted by Council Members Liccardo and Oliverio.



### 3.8 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Reed, dated November 8, 2007 was approved with the following actions: (1) The City Attorney was directed to draft a Charter amendment for Council consideration that would allow the Mayor and Council Members to abstain from voting on a decision if constituents would reasonably question the integrity of their decision. (2) The City Attorney was directed to draft a Charter amendment for Council consideration that would allow the Council, through a vote of the majority, to place Council Appointees on administrative leave. The placement of Council Appointees on paid administrative leave would not be deemed a termination or a disciplinary measure. (3) Direct the City Attorney to prepare an ordinance that would: (a) eliminate Mayoral and Council Member officeholder accounts by February 1, 2008. (b) End officeholder account fundraising by February 1, 2008. (c) End officeholder account expenditures by July 1, 2008. (4) As part of the midyear budget actions, appropriate \$10,000 to each Council Office and \$25,000 to the Mayor's Office from the funds identified in the 2007-08 Budget to offset the elimination of officeholder accounts. Prepare a resolution for Council approval that acknowledges that these funds are allocated annually to eliminate the need for officeholder accounts, that the Mayor and Council Members are expected to participate in community events and to engage in outreach efforts as part of performing their duties of office and that it is permissible and expected that these funds will be spent for the public purposes as provided for in the Expenditure and Reimbursement Policy. (5) The City Attorney was directed to prepare an ordinance that would align the reporting cycle for the Disclosure of Fundraising Solicitations by Elected Officials to be consistent with the reporting cycle for candidate campaign statements. (6) The City Attorney and the City Clerk were directed to research the feasibility and cost of an ordinance amendment to require all candidates for elected office and independent expenditure committees to electronically file their campaign statements with the City Clerk. (7) The City Attorney and the City Clerk were directed to report to Council before January midyear budget review on the status of Council referrals to the Elections Commission regarding the actions that should be taken to ensure that independent expenditures comply with City ordinances and that the public can more easily monitor independent spending. The status report should include an analysis of any additional funding necessary to complete the work. (8) Staff was further directed to return to Council in January 2008 with recommendations for a Council Policy to provide guidelines for negotiations with bargaining units. (9) Referred to the Rules and Open Government Committee for consideration of and exception to the Council Expenditure and Reimbursement Policy to allow for Holiday related advertisements in local news publications.

## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.2 Adoption of a resolution:

- (a) **Approving a construction/permanent funding commitment of up to \$12,900,000 to ROEM Development Corporation, or its designated affiliate, for the development of the 201-unit Fairgrounds Senior Apartments project that is located at 520 Tully Road; and**
- (b) **Finding that use of 20% Low- and Moderate-Income Housing Funds for the Fairgrounds Senior Apartments project is of benefit to the Redevelopment Project Areas in San José.**

**CEQA: Resolution No. 71359, File No. PDC02-040. Council District 7. (Housing)**

Documents Filed: Memorandum from Director of Housing Leslye Krutko, dated October 29, 2007, recommending adoption of a resolution.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Constant and carried unanimously, [Resolution No. 74118](#), entitled: “A Resolution of the Council of the City of San José Approving (A) A Construction/Permanent Funding Commitment of up to \$12,900,000 to Roem Development Corporation or Its Designated Affiliate, for the Development of the 201 Unit Fairgrounds Senior Apartments Project that is Located at 520 Tully Road and (B) Finding that use of 20% Low and Moderate Income Housing Funds for the Fairgrounds Senior Apartments Project is of Benefit to the Redevelopment Project Areas in San José”, was adopted. (11-0.)

### 4.3 Adoption of a resolution:

- (a) **Approving an increase in the permanent loan of up to \$1,154,515 to Affirmed Housing Group, or its designed affiliate, for the development of the 86-unit Fairways at San Antonio affordable family housing project located at 305 San Antonio Court, to be made available to extremely low-, very low-, and low-income households.**
- (b) **Authorizing the staff to proceed with loan origination and disbursement given the pending litigation involving an existing billboard on a parcel contiguous to the site.**

**CEQA: Mitigated Negative Declaration, File No. PDC 05-104. Council District 5. SNI: Gateway East. (Housing)**

Documents Filed: (1) Memorandum from Director of Housing Leslye Krutko, dated October 29, 2007, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Housing Leslye Krutko, dated November 9, 2007, recommending that a completion guaranty and an indemnification from the Affirmed Housing Group or other entity suitable to the City, prior to any further disbursement of City funds, be required.

Public Comments: Lindsay Quackenbush, Affirmed Housing, spoke in support of the Staff recommendations.

Director of Housing Leslye Krutko responded to Council questions.

#### **4.3 (Cont'd.)**

Action: Upon motion by Council Member Campos, seconded by Council Member Williams and carried unanimously, [Resolution No. 74119](#), entitled: “A Resolution of the Council of the City of San José Approving (A) An Increases in the Permanent Loan of up to \$1,154,515 to Affirmed Housing Group or Its Designated Affiliate, for the Development of the 86 Unit Fairways at San Antonio Affordable Housing Project Located at 305 San Antonio Court, to be Made Available to Extremely Low, Very Low and Low Income Households, and (B) Authorizing the Staff to Proceed with Loan Origination and Disbursement Given the Pending Litigation Involving an Existing Billboard on the Project Site”, was adopted. (11-0.)

### **NEIGHBORHOOD SERVICES**

#### **5.1 Report of the Neighborhood Services and Education Committee – November 8, 2007 Council Member Chirco, Chair**

Documents Filed: The Neighborhood Services and Education Committee Report dated November 8, 2007.

- (a) Library 2006-07 Annual Usage Report. Attachment: Memorandum from Director of Library Department Jane Light, dated October 22, 2007, recommending acceptance of the report.

The Committee accepted the Staff Report.

- (b) Library Parcel Oversight Committee 2006-07 Annual Report

Deferred to January 2008.

- (c) Report on the Off-Sale of Alcoholic Beverage Program. Attachment: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated October 22, 2007, recommending acceptance of the report.

The Committee accepted the Staff Report.

- (d) HNVF Report on Migration to Results-Based Accountability.

Deferred to December 2007.

- (e) Grants Quarterly Status Report. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated October 22, 2007, recommending acceptance of the report.

The Committee accepted the Staff Report.

**5.1 Report of the Neighborhood Services and Education Committee – November 8, 2007  
Council Member Chirco, Chair (Cont'd.)**

- (f) Quarterly Report on Performance Measures. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, Director of Library Department Jane Light and Director of Planning, Building and Code Enforcement Joseph Horwedel, dated October 22, 2007, recommending acceptance of the report.

The Committee accepted the Staff Report.

- (g) Strong Neighborhoods Monthly Update. Attachment: Memorandum from Deputy City Manager Mark Linder, dated October 22, 2007, recommending acceptance of the report.

The Committee accepted the Staff Report.

- (h) Schools/City Collaborative Monthly Update

The Committee accepted the Staff Report.

- (i) Oral Petitions

There were none presented.

- (j) Adjournment

The meeting was adjourned at 2:58 p.m.

Action: Upon motion by Council Member Chirco, seconded by Council Member Pyle and carried unanimously, the Neighborhood Services and Education Committee Report and the actions of November 8, 2007 were accepted. (11-0.)

**5.2 Approval of an ordinance to establish a Neighborhood Commission for the period of April 1, 2008 to March 31, 2010. CEQA: Not a Project. (City Attorney's Office)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated November 9, 2007, recommending approval of an ordinance.

Public Comments: William Garbett objected to the Staff recommendations.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Pyle and carried unanimously, [Ordinance No. 28178](#), entitled: "An Ordinance of the City of San José Establishing a Neighborhoods Commission for the Period from April 1, 2008 through March 31, 2010", was passed for publication. (11-0.)

**5.3 Public Hearing and adoption of a resolution setting forth the new Parkland Schedule of In-Lieu Fees charged pursuant to Chapters 14.25 (“Park Impact Ordinance”) and 19.38 (“Parkland Dedication Ordinance”) of the San José Municipal Code to reflect the 2006 Residential Land Value Study. CEQA: Resolution No. 65459. (Parks, Recreation and Neighborhood Services)**

Mayor Reed opened the Public Hearing.

Action: Upon motion by Council Member Constant, seconded by Vice Mayor Cortese and carried unanimously, the Public Hearing and adoption of a resolution setting forth the new Parkland Schedule of In-Lieu Fees was continued to December 4, 2007. (11-0.)

- 5.4 (a) Report on bids and award of contract to the low bidder, West Bay Builders, Inc. for the Happy Hollow Park & Zoo-Zoo and Attractions (Phase IIA) package base bid in the amount of \$37,830,000, plus bid alternates 3, 4, 5, 6, 7, 8 and 10 for a total contract award of \$39,255,000, and approval of a 7% contingency in the amount of \$2,748,000.**
- (b) Adoption of a resolution incorporating environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project.**

**CEQA: Mitigated Negative Declaration, File No. PP05-142. (Public Works/Parks, Recreation and Neighborhood Services)**

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen, dated November 1, 2007, recommending award of the contract to the low bidder and adoption of a resolution. (2) Supplemental memorandum from Director of Public Works Katy Allen, dated November 19, 2007, responding to a new letter dated November 19, 2007 from Robert A. Bothman, Inc., regarding their bid request.

Director of Public Works Katy Allen provided an overview of the Staff Report. Director of Parks, Recreation and Neighborhood Services Albert Balagso presented the funding options. Assistant Director of Public Works David Sykes outlined the next steps and the bid protest by Robert A. Bothman Inc.

Public Comments: Brian Bothman, Robert A. Bothman Inc. (2<sup>nd</sup> Low Bidder), objected to the bid process and the award of the project to West Bay Builders. He requested that this matter be deferred by the City Council for further review.

Speaking in favor of the Staff recommendations were Tim McInerney (West Bay Builders), Lorrie Tooley (HOPE Services), Neal Lyons (San José British Motors), Jill Holdaway, Heather Lerner (Happy Hollow Corporation), Christine Benninger (Humane Society Silicon Valley), Barbara Coats, Katelin Foley and Patrick Coleman.

Director of Public Works Katy Allen responded to Council questions.

## 5.4 (Cont'd.)

Action: Upon motion by Council Member Nguyen, seconded by Vice Mayor Cortese and carried unanimously, the award of contract to the low bidder, West Bay Builders, Inc. for the Happy Hollow Park & Zoo-Zoo and Attractions (Phase IIA) package base bid in the amount of \$37,830,000, plus bid alternates 3, 4, 5, 6, 7, 8 and 10 for a total contract award of \$39,255,000, with related contingency was approved and [Resolution No. 74121](#), entitled: “A Resolution of the Council of the City of San José Approving the Happy Hollow Park and Zoo Renovation Project, for Which an Initial Study/Mitigated Negative Declaration was Prepared in Accordance with the California Environmental Quality Act and Adopting a Mitigation Monitoring and Reporting Program”, was adopted. (11-0.)

## TRANSPORTATION & AVIATION SERVICES

### 6.1 Report of the Transportation and Environment Committee – November 5, 2007 Council Member Williams, Chair

Documents Filed: The Transportation and Environmental Committee dated November 5, 2007.

- (a) Action on items recommended for deferral.
  - (1) Status Report on the Activities Related to the Municipal Climate Action Plan
  - (2) Update on Council Directives.
  - (3) Report on Process for Development and Adoption of the Municipal Stormwater National Pollutant Discharge Elimination System
  - (4) Report on Retrofitting the City’s Sidewalk to Conform with American Disability Act Requirements.
  - (5) Caltrans Director Report

The Committee deferred Items (a)(1)-(5) to February 2008.

- (b) Status Report on Las Plumas EcoPark Site Development Status. Attachment: Memorandum from Director of Environmental Services John Stufflebean, dated October 22, 2007, recommending acceptance of the report.

The Committee accepted the Staff Report.

- (c) Report on the Transportation Maintenance Master Plan. Attachment: Memorandum from Director of Transportation James Helmer, dated October 26, 2007, recommending acceptance of the report.

The Committee accepted the Staff Report.

**6.1 Report of the Transportation and Environment Committee – November 5, 2007  
Council Member Williams, Chair (Cont'd.)**

- (d) Update Report on the Utility Trench Cut Policy Review. Attachment: Memorandum from Director of Public Works Katy Allen, dated October 22, 2007, recommending acceptance of the report.

The Committee accepted the Staff Report.

- (e) Evaluation of Current City Special Event & Recycling Services and Options for Service Improvements. Attachment: Memorandum from Director of Environmental Services John Stufflebean, dated October 22, 2007, recommending acceptance of the report.

The Committee accepted the Staff Report and recommended forwarding the item to the full Council for discussion. See Item 7.4 for Council action taken.

- (f) Report on Water District Board Actions Relating to South Bay Water Recycling. Attachment: Memorandum from Director of Environmental Services John Stufflebean, dated October 29, 2007, recommending acceptance of the report.

The Committee accepted the Staff Report and recommended forwarding the item to the full Council for discussion. See Item 7.5 for Council action taken.

- (g) Quarterly Update Report on Performance Measurements for General Services, Environmental Services and Transportation Departments. Attachment: Memorandum from Deputy City Manager Ed Shikada, dated October 29, 2007, recommending acceptance of the report.

The Committee accepted the Staff Report.

- (h) Report on Tree Preservation Services Requirements. Attachment: Memorandum from Deputy City Manager Ed Shikada, Director of Transportation James Helmer and Director of Planning, Building and Code Enforcement Joseph Horwedel, dated October 25, 2007, recommending acceptance of the report.

The Committee accepted the Staff Report.

- (i) Oral Petitions

There were none presented.

**6.1 Report of the Transportation and Environment Committee – November 5, 2007  
Council Member Williams, Chair (Cont'd.)**

**(j) Adjournment**

The meeting was adjourned at 4:03 p.m.

Action: Upon motion by Council Member Williams, seconded by Council Member Liccardo and carried unanimously, the Transportation and Environment Committee Report and the actions of November 5, 2007 were accepted. (11-0.)

**6.2 Approval of the preferred design recommendation to the Santa Clara Valley Transportation Authority (VTA) regarding the BART Extension to San Jose/Silicon Valley as follows:**

- (a) Select the “Southern Offset” for the BART tunnel alignment in the vicinity of Santa Clara Street and Coyote Creek, for the continuation of project design work, and with the condition that a subsequent environmental review process demonstrates the option to be preferred based on environmental and cost effectiveness issues.**

**CEQA: Not a Project. Council District 3. (Transportation)  
[Deferred from 10/16/07 – Item 6.4(b)]**

Action: Deferred to December 11, 2007 per District 3.

- 6.3 (a) Discussion and possible action on the recommendations of the T&E Committee to direct staff to bring forward to the City Council a report on the development of a Taxicab Commission.**  
**(b) Discussion and possible action regarding airport company taxicab permit allocations.**

**CEQA: Not a Project. (Airport/Transportation/Police)  
[Transportation and Environment Committee referral 10/01/07 – Item (j)]  
(Deferred from 10/16/07 – Item 6.3 and 11/06/07 – Item 6.2)**

Documents Filed: (1) Memorandum from Mayor Reed and Council Member Liccardo, dated October 29, 2007, recommending approval of the service model status reports, including additional recommendations. (2) Memorandum from Agenda Services Manager Nadine Nader, dated October 4, 2007, transmitting the recommendations of the Transportation and Environment Committee. (3) Supplemental memorandum from Director of Transportation James Helmer, Director of Aviation William Sherry and Police Chief Robert Davis, dated October 12, 2007, providing updated information regarding the reallocation of Airport Taxicab Company permits. (4) Supplemental memorandum from Director of Transportation James Helmer and Director of Aviation William Sherry, dated November 16, 2007, responding to questions posed by the City Council to Staff. (5) Letter from The Walia Law Firm, dated October 25, 2007, regarding the Taxicab Service Model. (6) Four letters, all dated November 6, 2007, from various Taxi Companies regarding the Taxicab Service Model. (7) Letter from UFCW5, dated October 15, 2007, regarding the Taxicab Service Model.



### 6.3 (Cont'd.)

Disclosures were made by Mayor Reed, Vice Mayor Cortese and Council Members Constant, Chu, Oliverio, Campos, Liccardo, Nguyen and Williams.

Motion: Council Member Liccardo moved approval of the memorandum he cosigned with Mayor Reed. Council Member Pyle seconded the motion.

Public Comments: Speaking in objection to limiting the number of permits and in favor of tabling the matter for further discussion were: Vasinder Singh (City Cab Company), Lakhbir Singh Pooni (Milpitas Cab Company), Kucwaut Lasher (USA Cab Company, Sher Jagraj Singh (American Cab), Bikram Jeet Singh, Harjot Walia (Alpha Cab), Patrick Toole (USA Express Cab), Tony Alexander (UFCW Local 15), Sisay Zeleke, Ali Nuf, Mekonnen Woltegetovial (National Cab), Kirpal Bajwa, Hailemariam Tesfay, Rahul Malik, Dawit Ayele (Golden Star Cab), Larry Silva (Yellow Cab ), Gurbinder (Net Cab) and Ray Duque.

Dave Logan (Yellow Checker Cab) and Kiflom Sebihatu (Golden Star Cab Company) spoke in support of the Council memo.

Extensive Council discussion followed.

Substitute Motion: Council Member Williams moved approval of the memorandum cosigned by Mayor Reed and Council Member Liccardo, with a five permit minimum per Taxi Company. Council Member Chu seconded the motion.

Vice Mayor Cortese requested to amend the motion to include that this allocation system be referred to the Taxi Commission.

Vice Mayor Cortese also requested to amend the motion to include that the permits be reduced to a minimum of four. Council Member Williams declined to accept the amendment.

On a call for the question, the substitute motion failed. (5-6. Noes: Chirco, Constant, Cortese, Liccardo, Oliverio; Reed.)

Vice Mayor Cortese requested that the entire allocation system, including changing to 4 permits with that number to be decreased to 3 at the next cycle in April 2009. The amendment was accepted by Council Members Liccardo and Pyle.

Action: On a call for the question, the motion carried, the memorandum from Mayor Reed and Council Member Liccardo, dated October 29, 2007 recommending approval of the September 21, 2007 Taxicab Service Model Status Report, and further recommendations, as amended, was approved, including referring the following to the Taxi Commission to address as the first order of business: (1) The entire allocation system, including changing to 4 permits with that number to be decreased to 3 at the next cycle in April 2009 (15 months). (2) Look at rewarding small companies and startups with incentives to grow. (7-4. Noes: Campos, Chirco, Chu, Williams.)

- 6.4 Adoption of a resolution authorizing the City Manager to negotiate and execute a master agreement with Charles M. Salter Associates, Inc., for consultant services related to sound attenuation and treatment of dwelling units located within the Airport Noise Impact Area in an amount not to exceed \$2,370,000 for the period November 20, 2007 to December 31, 2010. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-225. (Airport)**

Documents Filed: Memorandum from Director of Aviation William Sherry, dated October 29, 2007, recommending adoption of a resolution.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Pyle and carried unanimously, [Resolution No. 74122](#), entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Master Agreement with Charles M. Salter Associates, Inc. for Consultant Services Related to Sound Attenuation and Treatment of Dwelling Units Located Within the Airport Noise Impact Area in an Amount Not To Exceed \$2,370,000 for the Period November 20, 2007 to December 31, 2010”, was adopted. (10-0-1. Absent: Chu.)

- 6.5 Acceptance of the second status report on the implementation of the Enhanced Parking Security and Cleaning Plan, and the six-month pilot program on the \$5 rate at City parking garages after 10 p.m. on Thursday, Friday and Saturday that began July 1, 2007. CEQA: Not a Project. Council District 3. (Transportation)**

Documents Filed: Memorandum from Director of Transportation James Helmer, Police Chief Robert Davis and Director of Parking and Administration of the Redevelopment Agency Abi Maghamfar, dated November 2, 2007, recommending acceptance of the report.

Action: Upon motion by Council Member Chirco, seconded by Council Member Liccardo and carried unanimously, second status report on the implementation of the Enhanced Parking Security and Cleaning Plan, and the six-month pilot program on the \$5 rate at City parking garages after 10 p.m. on Thursday, Friday and Saturday that began July 1, 2007 was accepted. (10-0-1. Absent: Chu.)

## **ENVIRONMENTAL & UTILITY SERVICES**

- 7.1 Approval of an ordinance amending Chapter 15.12 of Title 15 of the San José Municipal Code to modify local discharge limits for copper, nickel selenium and total phenol, to eliminate limits for manganese, total toxic organics and xylene, to expand reporting, record keeping and sampling requirements and to require industrial pretreatment applications to be filed at least ninety days prior to discharge or the expiration of an existing permit, and to add definitions and conform Municipal Code requirements to federal pretreatment program requirements. CEQA: Exempt, File No. PP07-247. (City Attorney’s Office)**

## 7.1 (Cont'd.)

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated November 8, 2007, recommending approval of an ordinance. (2) Letter from the Treatment Plant Advisory Committee, dated November 8, 2007, stating concurrence with the Staff recommendation.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Pyle and carried unanimously, [Ordinance No. 28179](#), entitled: "An Ordinance of the City of San José Amending Chapter 15.12 of the San José Municipal Code to Modify Local Discharge Limits for Copper, Nickel, Selenium and Total Phenol, To Eliminate Limits for Manganese, Total Toxic Organics and Xylene; To Add Definitions, To Conform Municipal Code Requirements to Federal Pretreatment Program Requirements and to Require Industrial Pretreatment Applications to be Filed at Least Ninety Days Prior to Discharge or the Expiration of an Existing Permit", was passed for publication. (10-0-1. Absent: Chu.)

- 7.2 (a) **Approval of an agreement with Carollo Engineers to develop a Master Plan for the San José/Santa Clara Water Pollution Control Plant for an initial not-to exceed amount of \$2,500,000 and for a term commencing upon approval of the agreement and extending through June 30, 2011.**
- (b) **Adoption of a resolution authorizing the City Manager to execute the following options to increase the amount of compensation: Option 1 to be exercised on or after July 1, 2008, to increase compensation to \$5,000,000; Option 2 to be exercised on or after July 1, 2009 and to increase compensation to \$6,000,000.**

**CEQA: Not a Project. (Environmental Services)**

Documents Filed: (1) Memorandum from Director of Environmental Services John Stuffebean, dated October 29, 2007, recommending approval of the agreement and adoption of a resolution. (2) Letter from the Treatment Plant Advisory Committee, dated November 8, 2007, stating concurrence with the Staff recommendation.

Director of Environmental Services John Stuffebean provided the Staff report and responded to Council questions.

Public Comments: William Garbett objected to the Staff recommendations.

Action: Upon motion by Council Member Williams, seconded by Council Member Constant and carried unanimously, the agreement with Carollo Engineers to develop a Master Plan for the San José/Santa Clara Water Pollution Control Plant for an initial not-to exceed amount of \$2,500,000 and for a term commencing upon approval of the agreement and extending through June 30, 2011 was approved and [Resolution No. 74123](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute Two Options to the Agreement with Carollo Engineers for the Master Plan for the San José/Santa Clara Water Pollution Control Plant to Increase the Amount of Compensation Subject to the Appropriation of Funds by the City Council", was adopted. (11-0.)

- 7.3**
- (a) Acceptance of the staff report analyzing financing alternatives to fund the short-term critical infrastructure needs of the City's sewer collection and treatment system.**
  - (b) Direction to staff to proceed with the following Sewer Service and Use Charge five-year rate assumptions (Option #3) and prepare for Council approval in Spring 2008 the following rate increase for 2008-09:**
    - (1) 2007-2008 = 9%**
    - (2) 2008-2009 = 15%**
    - (3) 2009-2010 = 15%**
    - (4) 2010-2011 = 8%**
    - (5) 2011-2012 = 8%**
  - (c) Direction to staff to:**
    - (1) Plan for the Five-Year Sanitary Sewer and Treatment Plant Capital Improvement Programs using the above rate strategy; and**
    - (2) Seek assistance of a financial consultant to provide outside expertise on the rate strategy.**

**CEQA: Not a Project. (Environmental Services/Public Works/Transportation/Finance)**

Documents Filed: (1) Memorandum from Director of Environmental Services John Stufflean, Director of Public Works Katy Allen, Director of Transportation James Helmer and Director of Finance Scott Johnson, dated October 22, 2007, recommending acceptance of the report and approval of the staff recommendations

Director of Environmental Services John Stufflean provided the Staff report and responded to Council questions.

Public Comments: David Wall pointed out that the strategy of the plan is far too low.

Action: Upon motion by Council Member Campos, seconded by Council Member Pyle and carried unanimously, the Staff report was accepted and Staff was directed to proceed with the following Sewer Service and Use Charge five-year rate assumptions (Option #3) and prepare for Council approval in Spring 2008 the following rate increase for 2008-09. (11-0.)

- 7.4 Direction to staff to:**
- (a) For following five special events, Italian Family Days, Tapestry and Talent, Cinco de Mayo, San José Jazz Festival, and Independence Day:**
    - (1) Implement Zero Waste programs**
    - (2) Provide compostable food service ware and compostable collection and processing.**
    - (3) Require food vendor participation in the compostable foodware program.**
  - (b) Implement a program for certifying events that meet specific criteria for "Going Green," "Green," or "Zero Waste" events;**

- 7.4 (c) **Effective January 1,2008, require special events as a condition of their Event Authorization to specify that food vendors use # 1 (PET) plastic recyclable or compostable beverage containers for events with greater than 30,000 attendees;**
- (d) **Implement a pilot program to recycle and compost garbage from City special events and venues through specialized off-site processing;**
- (e) **Evaluate ways to improve recycling at the San José Mineta International Airport, San José McEnery Convention Center, and other showcase City venues by providing technical assistance and services; and**
- (f) **Create example agreement language and web resources to support event organizers and vendors in recycling program implementation.**

**CEQA: Exempt, File No. PP07-097. (Environmental Services)**

**[Transportation and Environment Committee referral 11/05/07 – Item (e)]**

Documents Filed: Memorandum from Agenda Services Manager Nadine Nader, dated November 6, 2007, transmitting the recommendation of the Transportation and Environment Committee.

Vice Mayor Cortese requested that Staff check the titles of special major events. Council Member Chu suggested that Staff look into using recyclables for all events.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Chirco and carried unanimously, the Staff recommendations as depicted above were approved, with Staff requested to check the titles of special major events, i.e. the Italian Festival, to ensure accuracy of the names. (11-0.)

**7.5 Acceptance of the update on issues and options for the long-term ownership and operation of South Bay Water Recycling. CEQA: Not a Project. (Environmental Services)**

**[Transportation and Environment Committee referral 11/05/07 – Item (f)]**

Documents Filed: Memorandum from Agenda Services Manager Nadine Nader, dated November 6, 2007, transmitting the recommendation of the Transportation and Environment Committee. (2) Letter from the Treatment Plant Advisory Committee, dated November 8, 2007, stating concurrence with the Staff recommendation.

Director of Environmental Services John Stuffeban provided the Staff report.

Mayor Reed requested that Staff expand negotiations and to designate two members of the San José City Council and one member of the Santa Clara City Council to serve on the subcommittee.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Nguyen and carried unanimously, the update on issues and options for the long-term ownership and operation of South Bay Water Recycling was accepted, with Staff directed to expand negotiations and to include two Council Members from the City of San José and one Council Member from the City of Santa Clara to serve on the subcommittee. (10-0-1. Absent: Constant.)

## **PUBLIC SAFETY SERVICES**

### **8.1 Report on bids and take appropriate action based on the evaluation of bids for the Police Southside Substation Project. CEQA: Mitigated Negative Declaration, File No. PP04-304. (Public Works).**

Action: Deferred to December 11, 2007 per Administration.

## **NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS**

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9944	SW side of Campbell Ave, 950' NW of Newhall Street	6	Robson Homes	28 Lots / 24 Units	SFD	Approve

## **NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS (Cont'd.)**

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9877	E/S of S Buena Vista Ave, 260' N of Scott Street	6	Casa Buena, LLC	1 Lot / 8 Units	SFA

## **NOTICE OF CITY ENGINEER'S AWARD OF CONSTRUCTION PROJECTS**

In accordance with Council Resolution No. 73532, the construction Contract Process Streamlining Policy approved on December 5, 2006, the following is a list of projects that were awarded or rejected by the Director of Public Works in October 2007:

### AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Penitencia Creek Road at Viceroy Way Sidewalk Improvement	4	Jos. J. Albanese Inc.	\$114,415	10/10/07

## **OPEN FORUM**

- (1) David Wall expressed his continued support for the San José Police Department.
- (2) William Garbett voiced personal opinions of semantics.
- (3) Robert Apgar shared personal observations.
- (4) Stephen Hazel presented personal viewpoints.

## **ADJOURNMENT**

The Council of the City of San José adjourned the afternoon session at 5:45 p.m.

## RECESS/RECONVENE

The City Council recessed at 5:45 p.m. from the afternoon Council Session and reconvened at 7:03 p.m. in the Council Chambers, City Hall.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Oliverio, Nguyen, Pyle, Williams; Reed.

Absent: Council Members - None.

Assistant City Clerk Barbara Conley read the requests for continuance of the applications. Upon motion by Vice Mayor Cortese, seconded by Council Member Campos, and carried unanimously, the below noted continuances and actions were taken as indicated. (11-0.)

## CEREMONIAL ITEMS

- 1.2 Presentation of commendations to Colleen Lee, Patricia Li, Marianna Mao and Wendy Mu for representing the United States of America in the 2007 Mathematical Olympiad for Girls and striving to help promote girls' excellence in mathematics internationally. (Constant)**

Action: Mayor Reed and Council Member Constant recognized and commended Colleen Lee, Patricia Li, Marianna Mao and Wendy Mu for representing the United States of America in the 2007 Mathematical Olympiad for Girls. Colleen Lee could not be present.

- 1.7 Presentation of a commendation to José Pantoja and Patsy Ludwig for their dedication and years of service in translating and organizing the Pueblo Papers, the earliest municipals documents for the City of San José. (Liccardo)  
(Rules Committee referral 11/14/07)**

Action: Mayor Reed and Council Member Liccardo recognized and commended José Pantoja and Patsy Ludwig for their dedication and years of service in translating and organizing the Pueblo Papers.

- 1.8 Presentation of a commendation in honor of the San José Peace Center's 50<sup>th</sup> Anniversary. (Liccardo)  
(Rules Committee referral 11/14/07)**

Action: Mayor Reed and Council Member Liccardo recognized the San José Peace Center in honor of its 50th Anniversary.



## **PUBLIC HEARINGS ON CONSENT CALENDAR**

Upon motion by Vice Mayor Cortese, seconded by Council Member Campos, and carried unanimously, the Public Hearings on Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Constant.)

- 11.1 (a) Adoption of a resolution initiating proceedings and setting a public hearing on December 18, 2007 at 7:00 p.m. for the reorganization/annexation of the territory designated as Penitencia No. 76 which involves the annexation to the City of San José of approximately 1.14 gross acre County pocket consisting of 1 parcel located on the south side of Sierra Road, 200 feet east of Varner Court, and detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. (Jack Kim and Hester Lau-Kim, Owner). CEQA: Resolution No. 65459. Council District 4. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated November 8, 2007, recommending adoption of a resolution.

Public Comments: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: [Resolution No. 74124](#), entitled: “A Resolution of the Council of the City of San José Initiating the Reorganization Proceedings for the Annexation and Detachment of Certain Uninhabited Territory Designated as Penitencia No. 76, Described Herein and Setting the Date, Time and Place for Consideration of Such Reorganization”, was adopted (11-0.)

- (b) Adoption of a resolution initiating proceedings and setting a public hearing on December 18, 2007 at 7:00 p.m. for the reorganization/annexation of the territory designated as Parker No. 25 which involves the annexation to the City of San José of approximately 3.49 gross acre County pocket consisting of 13 parcels located on both sides of Woodard Road between Nova Scotia Avenue and Twilight Drive, and detachment of the same from the appropriate special districts including Central Fire Protection, West Valley Sanitation, County Lighting County Service and Area No. 01 (Library Services) County Service. (Multiple Owners). CEQA: Resolution No. 65459. Council District 9. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated November 8, 2007, recommending adoption of a resolution.

Public Comments: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

**11.1 (b) (Cont'd.)**

Action: [Resolution No. 74125](#), entitled: "A Resolution of the Council of the City of San José Initiating the Reorganization Proceedings for the Annexation and Detachment of Certain Uninhabited Territory Designated as Parker No. 25, Described Herein and Setting the Date, Time and Place for Consideration of Such Reorganization", was adopted (11-0.)

- (c) **Adoption of a resolution initiating proceedings and setting a public hearing on December 18, 2007 at 7:00 p.m. for the reorganization/annexation of the territory designated as Parker No. 26 which involves the annexation to the City of San José of approximately 0.53 gross acre County pocket consisting of 2 parcels located on the south side of Woodard Road, 300 feet west of Twilight Drive, and detachment of the same from the appropriate special districts including Central Fire Protection, West Valley Sanitation and Area No. 01 (Library Services) County Service. (Multiple Owners). CEQA: Resolution No. 65459. Council District 9. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated November 8, 2007, recommending adoption of a resolution.

Public Comments: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: [Resolution No. 74126](#), entitled: "A Resolution of the Council of the City of San José Initiating the Reorganization Proceedings for the Annexation and Detachment of Certain Uninhabited Territory Designated as Parker No. 26, Described Herein and Setting the Date, Time and Place for Consideration of Such Reorganization", was adopted (11-0.)

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

## **PUBLIC HEARINGS**

- 11.2 Consideration of an ordinance rezoning the real property located on the south side of Hillsdale Avenue approximately 600 feet east of Pearl Avenue (866 Hillsdale Avenue) from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to six single-family attached residences on a 0.45 gross acre site (Hamid Abtahi & Tom Ronning, Owner). CEQA: Exempt.  
PDC07-022 – District 6**

Action: Continued to December 4, 2007.

## **JOINT COUNCIL/REDEVELOPMENT AGENCY**

- 9.1 Adoption of a resolution by the City Council:**
- (a) Recognizing Story Road, between Senter and US 101, as a Vietnamese Retail Area and selecting a name to identify the area.**
  - (b) Directing the City Manager and City Attorney to explore policy and ordinance changes to allow for the placement of decorative street banners and gateway signs in the public right-of-way for the purposes of identifying unique retail areas.**

**CEQA: Not a Project. Council District 7. SNI: Tully/Senter, Spartan/Keyes. (City Manager's Office/Redevelopment Agency)**

Documents Filed: (1) Memorandum from Mayor Reed, Vice Mayor Cortese and Council Members Nguyen, Liccardo and Chirco, dated November 15, 2007, recommending approval of the Staff recommendations as depicted above and approval of the name "Saigon Business District" as the official designation of the Story Road retail area between Senter Road and US 101. (2) Memorandum from City Manager Debra Figone and Redevelopment Agency Executive Director Harry S. Mavrogenes, dated November 6, 2007, recommending adoption of a resolution and direction to Staff as depicted in 9.1(b) above. (3) Letter of support for "Little Saigon Business District" from Supervisor Janet Nguyen, Orange County, dated October 1, 2007. (4) Packet from Committee for Little Saigon dated November 12, 2007, containing petition of over 2,000 signatures to name the area "Little Saigon", letters of endorsements and analyses.

Deputy City Manager Ed Shikada and Director of Redevelopment Agency Richard Keit provided the Staff report.

Motion: Council Member Nguyen moved approval of the memorandum she cosigned with Mayor Reed, Vice Mayor Cortese and Council Members Liccardo and Chirco. Council Member Pyle seconded the motion.

## 9.1 (Cont'd.)

Public Comments: Approximately 331 speakers testified in support of naming the business area “Little Saigon Business District”, including (but not limited to) the following:

*Note: Some speakers either did not identify themselves or their names were not clearly stated for the record.*

Supervisor Pete McHugh (District 3, Santa Clara County), Supervisor Janet Nguyen (District 1, Orange County), Council Member Andy Quach (Westminster, CA), Tien Nguyen, Hoa Truong, Hoan Thanh Vu, Rang Thi Le, Nguyen Xuan Vinh, An Nguyen, Vien Van Nguyen, Can T Nguyen, Dung Thien Sun, Minh Khanh Pham, Minh Steven Dovan, Esq., Hoa Huong Duong, Phuong Le, Christine Ho, John Vuong, Khoa Vo, Amy Wong, Tu Trang, Tu H. Nguyen, Huyen Pham, Hong Pham, Nga Vu, Ruong Nguyen, Nghia Chiem, Helen Nguyen, Binh Nguyen, Dave Hoang, Liem Nguyen, Thomas Nguyen, Nghiep Phan, Bon Tran Quy, Vang Nguyen, Matthew Ngo, Tri Cao, Anh Cunningham, Tiffany Tran (Vietnam Friendship Media), Levan Ngo, Bob Kieve, Thuy Nguyen, Khoen Le, Tony Le, Tien Nguyen, Loan Ta, Thoai Le, Khuyen Dang, Khoa Nguyen, Thuy Nguyen, Van Trang, Tuyet Nguyen, Than Dang, Hue Pham, Kiki Vu, Du Ngo, Nam Nguyen, Khanh Tran, Frank Lenhu, Tiffany Ho, Vivian Tran, Cindy Lenhu, Helen Vu, Truong Son, Son Nguyen, Han Le, Hoa Ly, From Hoang, Michella Pham, Hanh Ha, Tang Hong Tuong, Danh Quang Ho, Nguyen Thich, Tran Vin Dao, Tuyen Le, Hien Dinh, Luong Pham, Tiffany Ton, Mai Nguyen, From Tan Vu, Tu, Ho Trang, Patricia Vu, Linh Vu, Andy Vu, Gary le, Josephine Le, Luu Tran, Tien Nguyen, Susan Ho, Rosalie Pham, Luong Pham, Phuong Nguyen, An Thi Dhami M.D., Young Bui, Dinh Vu, Duc Hoang, Duc Nguyen, David Hoang, Hieu Tran, Anthony Lam, Martha Nguyen-Le, Steven Do, Tam I. Le, Y Van Le, Loc Nguyen, Thach Doan, Dr. Nhi Nguyen, Phu Nguyen, Kristine Vo, Michelle Nguyen, Anh Tran, Kiem Dang, Jim Peske, Quang Bui, Roy Que-Heath, Peter Vu, John Nguyen, Phuc Dinh, Phan Le, Sam Ho, Paul Nguyen, Nghia Huynh, Nguyen-Bau, Hung-Tien, Dien Hoa, Dat Nguyen, Son Bui, Cecilia, Quan Vo, Duc Vo, Phuc Nguyen, Pham Huei Son, Chinh Nguyen, Hen Ry Phan, Ron Quach, Le Tam, Minh Tin Nguyen, Truong Vu, Bach Phan, John Ngo, Khanh Nguyen, Hong Le, Quiyen Doan, Tran Minh Dimy, Tim Nguyen, Dien Nguyen, Sutton Van Vo, Tho Tran, Huong Pham, Hoa Nguyen, Du Do, Thanh Dinh, Hien V. Tran, David Le, Giao Nguyen, Sindy Tien, Phuong Nguyen, Long Ngo, Dat Han, David Dien Le, Lana Nhneu, Luong Dinh, Hue Phan, Tran Giang, Su Duong, Henry Phan, Ngo Nguyen, Nhan Nguyen, Tung Hoa Le, Hoang Long, Thong Truong, Khau Pham, Hien Tran, Nghied Bui, Tammy Ngo, Victor Ly, Hieu Tran, Huynh-Chinh, Viet Tran, Anh Pho, Danh Ly, Que N. Phan, Phu Huynh, Joe Huynh, Cuong Dang, Quy Tran, Niem Ngo, Christina Tran, Dinh Nau Nguyen, Hong Nguyen (Community for Just Cause of Vietnam), Myhuong Giang, Hoang Hung, Minh Van Hoang, Long Vu, Van Nguyen, Tran Ho, Thompson Bui, Luong Do (Aborn Compound Pharmacy), Diem Truong, Dang Nguyen, Phu Ho, Kiem Ai (Tieng Dan Magazine), Cong Quoc Pham, Tien Nguyen, Vu Dinh Vinh, Minhchau Nguyen, Tina Nguyen, Suong Huynh, Quang Le, Tu Huynh, Nguyen Huong, Tuan N. Le, Martha Nguyen, Khai Bui, Son Bui, Nguyen Tuyet Lan, Kenny Dinh, Henry Phan, Omar Torres,

## 9.1 (Cont'd.)

Y. Van Le, Xuan Nhat Tran, Du Do, Martha Nguyen-Le, Mary Le, Tuan Ly, Huong Trinh, Minh Nguyen, Phat Tran, Joseph Nguyen, Buu Thai, Dennis King (Hispanic Chamber Commerce Silicon Valley), Phu Huynh, Anna Nguyen, Quy Tran, Minh Duong, Dan Tran, Stephen Hazel, Xuan Nhut Tran, Minh Tri Nguyen, Cuong Vu, Andy Do, Khau Pham, Kim Spetter, An Nguyen, H.G. Nguyen, Thuan Nguyen (Vietnamese Chamber of Santa Clara), Cuc Nguyen, Phong Huynh, Dang Dinh Hien, Tran Ho, Song, Van Nguyen, Hue Vu, Thao Le, Ngo Lu, Co Ngo, Thieu Pham, Kha Nguyen, Tam Le, Thainhlan Pham Vu, Alan Huynh, Hong Nguyen, Barry Do, Le My Phuong (Committee for Little Saigon), Ly Tong, Van Le, Amy Duong, Jane Do Bui, Minh Duong, Tinh Cao Thi, Ken, Cuong Vu, Y-Van Le, Mai Nguyen, Thoa Nguyen, Hung Nguyen, Dean Quach, Son-Pham, Yen Kheu, Tru Nguyen, Long T. Huynh, Thang K. Huynh, John Ngo, Dinh T. Dang, Pham Hui Phu, Ngoc Le, Henry Nguyen, Lan Nguyen, Kim Nguyen, Tuyen-Pham, Tam Nguyen, Tuyet Nguyen, Son Nguyen, Hoa Huynh, Ngheip Bui, Luu Nguyen, Lien Vo, Lien Vo, Anna Nguyen, Linh Nguyen, Thiu Dang, Chau Pham, Krystle Le, Alan Huynh, Tuyet-Tran, My Khuong, Ben Nguyen, Buy Le, Chau Nguyen, Thanh Tam, Nghia Le, Hung Nguyen, Qua Pham, Hung Doan, Cao Khac Thanh, Cao Tam, Hieu Le and Hao Nguyen My.

Council Member Tony Madrigal (City of Santa Cruz), Phaedra Ellis-Lamkins, Gloria Rivera (K.O.N.A. NAC), Harvey Darnell and Robert Sandoval (West Evergreen SNI) testified in support of naming the business area "Saigon Business District".

Extensive Council discussion followed.

Mayor Reed and Council Members Chirco, Williams and Pyle expressed support for the motion.

Vice Mayor Cortese asked if it would be acceptable if a business comes forward with an application for signage to name the business for example, "Little Saigon Café". Deputy City Manager Ed Shikada replied that nothing would prevent that from happening.

Vice Mayor Cortese added that there is nothing wrong with this proposal, as it establishes a recognizable name. Council Member Liccardo concurred with Vice Mayor Cortese

Council recessed at 10:39 p.m. and reconvened at 10:46 p.m.

Council Member Constant expressed concern about the division of the community and the process and suggested the name Senter Road Business District. Council Member Constant stated that he cannot support the motion as it does not support the community as a whole.

Council Member Campos asked about the process for banners and Council Member Chu suggested that Staff involve the community regarding banners and signage. City Attorney Richard Doyle replied that Staff will come back to address those issues, including a formation of a business district after January 2008.

## 9.1 (Cont'd.)

Substitute Motion: Council Member Constant moved to amend the motion to name the business district “Little Saigon Business District”. Council Member Chu seconded the motion. The motion failed. (3-8. Noes: Campos, Chirco, Cortese, Liccardo, Nguyen, Pyle, Williams; Reed.)

Action: On a call for the question, the original motion carried, [Resolution No. 74127](#), entitled: “A Resolution of the Council of the City of San José (A) Recognizing Story Road, between Senter and U.S. 101, as a Vietnamese Retail Area and Selecting Saigon Business District to Identify the Area and (B) Directing the City Manager and City Attorney to Explore the Policy and Ordinance Changes to Allow for the Placement of Decorative Street Banners and Gateway Signs in the Public Right of Way for the Purposes of Identifying Unique Retail Areas”, was adopted, the memorandum from Mayor Reed, Vice Mayor Cortese and Council Members Nguyen, Liccardo and Chirco was approved, and the name “Saigon Business District” was approved as the official designation of the Story Road retail area between Senter Road and US 101. (8-3. Noes: Chu, Constant, Oliverio.)

## OPEN FORUM

- (1) Stephen Hazel voiced personal opinions about democracy.
- (2) Robert Apgar shared personal observations.

## ADJOURNMENT

The Council of the City of San José adjourned at 11:29 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC  
City Clerk

smd/11-20-07MIN

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